appeal committee have formulated (i.e. that the onus is on the prosecution to prove guilty knowledge) cannot be defended. But the minor proposition seems to me to be also incapable of defence, involving as it does, reading into this part of the order some such words as 'unless the person is acting innocently whereof the proof shall rest upon him'..... That seems to me to be really rewriting the order."

It must be remembered that in the present case the absolute prohibition provided by the Rule made in pursuance of the Ordinance is justified by the consideration that the strictness of the rule is necessary for the public benefit and protection. A master is the only person in a position to control his servant; and accordingly the owner is made responsible for the acts of his servant whether or not such servant has carried out his master's instructions. I would add that I do not subscribe to the view that where guilty knowledge is negatived, the owner is only liable for a nominal fine. If that principle were accepted the object of the rule would be defeated, though obviously the fine should be heavier where the owner is morally as well as legally responsible.

In my opinion, therefore, the convictions were correct.

Convictions confirmed.

[SPECIAL CRIMINAL JURISDICTION]

TERRELL. J.

May 1, 1938.

REX v. TAY KIAT HIANG.

[SINGAPORE SPECIAL CASE No. 5 of 1938.]

Municipal Ordinance—S. 195 (7)—"Goods of any kind."

In S. 195(7) of the Municipal Ordinance the words "for goods of any kind" are not to be construed as *ejusdem generis* with "food and drinks" which immediately precede it. The Ordinance contemplates that a licence must be taken out by an itinerant hawker for the sale of goods or other food and drink as well as for the sale of food and drink.

SPECIAL CASE STATED.

The facts and arguments are sufficiently related in the judgment.

Howe, Crown Counsel for the Crown.

Cur. Ad. Vult.

TERRELL, J.—There is no justification for holding that 'goods of any kind' in section 195 (7) of the Municipal Ordinance should be construed as *ejusdem generis* with 'food and drink.'

The argument would have been more plausible if the expression had been 'food drink and *other goods*' instead of 'food drink and goods of any kind,' but even if such an expression had been used, the context and general purposes of the Ordinance might satisfy the Court that 'other goods' should not be construed as *ejusdem generis* with what has gone before (*Richarmond Hill Steamship Co.* v. *Corporation of Trinity House*, (1896), 2 Q.B. p. 134.

In the present case, if reference is made to the previous section, section 194, it will be found that section 194 (4) (a) makes it an offence to set up a stall etc. for the purposes of selling food or drink unless the stall holder is licensed. Then section 194 (4) (b) applies the identical provisions where the stall is for the sale of "goods other than food or drink." Obviously therefore the Ordinance contemplates a licence for the sale of goods other than food and drink, and the doctrine of *"noscitur a sociis"* is quite inapplicable.

The opinion of the Court, therefore, is that an offence was disclosed by the evidence. In view however of the triviality of the matter the Court considers it unnecessary for the accused in this case to be charged again.

Judgment accordingly.

END OF STRAITS SETTLEMENTS OFFICIAL REPORTS.